

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ADJUSTACAM LLC	§	
	§	Civil Action No. 6:10-cv-00329-LED
v.	§	
	§	JURY
AMAZON.COM, INC.; et al	§	

**DEFENDANT J&R ELECTRONICS, INC.'S ANSWER TO PLAINTIFF'S
FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Defendant J&R Electronics, Inc. ("J&R") answers the allegations in Plaintiff AdjustaCam LLC's ("AdjustaCam" or "Plaintiff") First Amended Complaint For Patent Infringement ("Amended Complaint") as follows, denying Plaintiff's allegations and averments except that which is expressly admitted herein:

PARTIES

1. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 1 of the Amended Complaint, and therefore denies them.
2. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 2 of the Amended Complaint, and therefore denies them.
3. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 3 of the Amended Complaint, and therefore denies them.
4. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 4 of the Amended Complaint, and therefore denies them.
5. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 5 of the Amended Complaint, and therefore denies them.

6. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 6 of the Amended Complaint, and therefore denies them.

7. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 7 of the Amended Complaint, and therefore denies them.

8. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 8 of the Amended Complaint, and therefore denies them.

9. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 9 of the Amended Complaint, and therefore denies them.

10. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 10 of the Amended Complaint, and therefore denies them.

11. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 11 of the Amended Complaint, and therefore denies them.

12. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 12 of the Amended Complaint, and therefore denies them.

13. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 13 of the Amended Complaint, and therefore denies them.

14. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 14 of the Amended Complaint, and therefore denies them.

15. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 15 of the Amended Complaint, and therefore denies them.

16. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 16 of the Amended Complaint, and therefore denies them.

17. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 17 of the Amended Complaint, and therefore denies them.

18. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 18 of the Amended Complaint, and therefore denies them.

19. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 19 of the Amended Complaint, and therefore denies them.

20. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 20 of the Amended Complaint, and therefore denies them.

21. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 21 of the Amended Complaint, and therefore denies them.

22. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 22 of the Amended Complaint, and therefore denies them.

23. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 23 of the Amended Complaint, and therefore denies them.

24. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 24 of the Amended Complaint, and therefore denies them.

25. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 25 of the Amended Complaint, and therefore denies them.

26. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 26 of the Amended Complaint, and therefore denies them.

27. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 27 of the Amended Complaint, and therefore denies them.

28. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 28 of the Amended Complaint, and therefore denies them.

29. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 29 of the Amended Complaint, and therefore denies them.

30. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 30 of the Amended Complaint, and therefore denies them.

31. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 31 of the Amended Complaint, and therefore denies them.

32. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 32 of the Amended Complaint, and therefore denies them.

33. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 33 of the Amended Complaint, and therefore denies them.

34. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 34 of the Amended Complaint, and therefore denies them.

35. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 35 of the Amended Complaint, and therefore denies them.

36. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 36 of the Amended Complaint, and therefore denies them.

37. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 37 of the Amended Complaint, and therefore denies them.

38. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 38 of the Amended Complaint, and therefore denies them.

39. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 39 of the Amended Complaint, and therefore denies them.

40. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 40 of the Amended Complaint, and therefore denies them.

41. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 41 of the Amended Complaint, and therefore denies them.

42. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 42 of the Amended Complaint, and therefore denies them.

43. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 43 of the Amended Complaint, and therefore denies them.

44. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 44 of the Amended Complaint, and therefore denies them.

45. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 45 of the Amended Complaint, and therefore denies them.

46. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 46 of the Amended Complaint, and therefore denies them.

47. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 47 of the Amended Complaint, and therefore denies them.

48. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 48 of the Amended Complaint, and therefore denies them.

49. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 49 of the Amended Complaint, and therefore denies them.

50. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 50 of the Amended Complaint, and therefore denies them.

51. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 51 of the Amended Complaint, and therefore denies them.

52. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 52 of the Amended Complaint, and therefore denies them.

53. J&R admits that it has a place of business in New York, New York. To the extent any other allegations or averments are contained within paragraph 53, they are denied.

54. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 54 of the Amended Complaint, and therefore denies them.

55. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 55 of the Amended Complaint, and therefore denies them.

56. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 56 of the Amended Complaint, and therefore denies them.

57. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 57 of the Amended Complaint, and therefore denies them.

JURISDICTION AND VENUE

58. J&R admits that the Amended Complaint makes allegations arising under the United States patent laws, and that this Court has subject matter jurisdiction over patent law claims. For purposes of this action only, J&R does not contest the Court's exercise of personal jurisdiction. J&R denies any and all alleged infringement. To the extent that there are other allegations and/or averments pertaining to J&R in paragraph 58, they are denied. To the extent the allegations of paragraph 58 are directed at the other named defendants, J&R lacks sufficient

knowledge or information to form a belief as to the truth of the allegations and therefore denies them.

59. J&R admits that venue is proper in the Eastern District of Texas for purposes of this particular action only. However, J&R disputes that venue is more proper or more convenient here than in other jurisdictions, and it reserves the right to seek transfer of this case to another jurisdiction pursuant to Federal Rule of Civil Procedure § 1404(a), at a minimum. J&R denies all alleged patent infringement. To the extent any remaining allegations of paragraph 59 are directed at or to J&R, they are denied. To the extent any allegations of paragraph 59 are directed at the other named defendants, J&R lacks sufficient knowledge or information to form a belief as to the truth of the allegations and therefore denies them.

COUNT I
ALLEGED INFRINGEMENT OF U.S. PATENT NO. 5,855,343

60. J&R admits that U.S. Patent No. 5,855,343 (the “‘343 Patent”) appears to be entitled “CAMERA CLIP” and that it appears to bear an issuance date of January 5, 1999. J&R denies that the ‘343 patent was “duly and legally issued.” To the extent paragraph 60 contains any additional allegations or averments, they are denied.

61. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 61 of the Amended Complaint, and therefore denies them.

62. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 62 of the Amended Complaint, and therefore denies them.

63. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 63 of the Amended Complaint, and therefore denies them.

64. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 64 of the Amended Complaint, and therefore denies them.

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66. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 66 of the Amended Complaint, and therefore denies them.

67. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 67 of the Amended Complaint, and therefore denies them.

68. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 68 of the Amended Complaint, and therefore denies them.

69. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 69 of the Amended Complaint, and therefore denies them.

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205. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 205 of the Amended Complaint, and therefore denies them.

206. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 206 of the Amended Complaint, and therefore denies them.

207. Denied.

208. Denied.

209. Denied.

210. Denied.

211. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 211 of the Amended Complaint, and therefore denies them.

212. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 212 of the Amended Complaint, and therefore denies them.

213. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 213 of the Amended Complaint, and therefore denies them.

214. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 214 of the Amended Complaint, and therefore denies them.

215. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 215 of the Amended Complaint, and therefore denies them.

216. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 216 of the Amended Complaint, and therefore denies them.

217. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 217 of the Amended Complaint, and therefore denies them.

218. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 218 of the Amended Complaint, and therefore denies them.

219. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 219 of the Amended Complaint, and therefore denies them.

220. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 220 of the Amended Complaint, and therefore denies them.

221. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 221 of the Amended Complaint, and therefore denies them.

222. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 222 of the Amended Complaint, and therefore denies them.

223. Denied as to J&R. To the extent that allegations are directed to other named defendants, J&R lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 223 and therefore denies them.

224. J&R admits that Plaintiff AdjustaCam purports to reserve the right to take discovery from Defendants. J&R denies any and all alleged infringement, including, but not limited to, willful infringement. To the extent that there are other allegations and/or averments pertaining to J&R in paragraph 224, they are denied. To the extent the allegations of paragraph 224 are directed at the other named defendants, J&R lacks sufficient knowledge or information to form a belief as to the truth of the allegations and therefore denies them.

225. J&R admits that Plaintiff AdjustaCam purports to seek and/or reserves the right to seek a willfulness finding against defendants. J&R denies any and all alleged infringement, including, but not limited to, willful infringement. To the extent that there are other allegations and/or averments pertaining to J&R in paragraph 225, they are denied. To the extent the allegations of paragraph 225 are directed at the other named defendants, J&R lacks sufficient knowledge or information to form a belief as to the truth of the allegations and therefore denies them.

226. Denied as to J&R. To the extent that allegations are directed to other named defendants, J&R lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 226 and therefore denies them.

PRAYER FOR RELIEF

J&R denies that Plaintiff is entitled to any of the requested relief and denies any allegations and/or averments in Plaintiff's prayer for relief.

DEMAND FOR JURY TRIAL

J&R admits that Plaintiff has demanded a jury trial. To the extent that this paragraph contains any allegations and/or averments directed to J&R, they are denied.

DEFENDANT J&R'S AFFIRMATIVE DEFENSES

J&R alleges and asserts the following defenses, affirmative or otherwise, without assuming any burden of proof that it would not otherwise have. In addition to the affirmative defenses described below and subject to its responses above, J&R specifically reserves all rights to allege additional affirmative defenses that become known through the course of discovery.

FIRST AFFIRMATIVE DEFENSE: Non-Infringement

J&R does not infringe and has not infringed, directly, jointly, and/or indirectly, by way of inducing and/or contributing to the infringement, or any other alleged way, any claim of the '343 Patent.

SECOND AFFIRMATIVE DEFENSE: Invalidity

The claims of the '343 Patent are invalid for failure to satisfy one or more of the requirements of Title 35 of the United States Code, including but not limited to §§ 101, 102, 103, 112, 132 and 135 *et seq.*

THIRD AFFIRMATIVE DEFENSE: Laches

Plaintiff's claims of infringement under the '343 Patent are barred, in whole or in part, by laches.

FOURTH AFFIRMATIVE DEFENSE: Failure to State a Claim

Plaintiff's Complaint fails to state a claim upon which relief can be granted, including, but not limited to, because Plaintiff's Complaint fails to meet the standard for pleading set by the Supreme Court in *Ashcroft v. Iqbal*, *Bell Atlantic Corp. v. Twombly*, and their progeny.

FIFTH AFFIRMATIVE DEFENSE: No Entitlement to Injunctive Relief

Plaintiff is not entitled to any injunctive relief as it has, at a minimum, no irreparable injury and an adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Defendant J&R Electronics, Inc., prays for judgment as follows:

- a. A judgment in favor of J&R denying Plaintiff all relief requested in its First Amended Complaint in this action and dismissing same with prejudice;
- b. A judgment in favor of J&R on all of its affirmative defenses;
- c. A declaration that this case is exceptional under 35 U.S.C. § 285 and an award to J&R of their reasonable costs and expenses of litigation, including attorneys' fees and expert witness fees; and
- d. Such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

In accordance with Rule 38 of the Federal Rules of Civil Procedure and Local Rule CV-38, J&R respectfully demands a jury trial of all issues triable to a jury in this action.

Dated: November 1, 2010

Respectfully submitted,

/s/ Michael E. Jones

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**ATTORNEYS FOR DEFENDANT
J&R ELECTRONICS, INC.**

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service and are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on November 1, 2010. Any other counsel of record will be served by First Class U.S. mail on this same date.

/s/ Michael E. Jones

Michael E. Jones